TOWN OF EATONVILLE PLANNING COMMISSION AGENDA Monday, May 18th, 2015 – 7:00 P.M. COMMUNITY CENTER 305 CENTER STREET WEST

Call to Order Roll Call: Beach ___ Bertoia ___ Craig ___ Justice ___ Lambert ___ Miller ____ Town Staff Present: Mayor Schaub, Doug Beagle and Kerri Murphy Pledge of Allegiance Approval of the Agenda: April 20th, 2015 Approval of Minutes: Communications and Announcements: From Public: From Commissioners: Old Business: New Business: EMC 8.09 Review of Junk Vehicle Enforcement EMC 19.04 Residential Design Standards Public Comments: Staff Comments: Commissioner Comments:

Next Meeting:

June 15, 2015

Town of Eatonville PLANNING COMMISSION MEETING Monday, April 20th, 2015 COMMUNITY CENTER 305 CENTER STREET WEST



CALL TO ORDER

Co-Chairperson Justice called the meeting to order at 7:00 PM.

ROLL CALL

Present: Commissioners Beach, Bertoia, Craig, and Justice. Commissioner Lambert and Miller were excused.

STAFF PRESENT: Mayor Schaub, Kerri Murphy and Doug Beagle.

OPENING CEREMONIES

Commissioner Bertoia led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Beach move to approve the agenda. Seconded by **Commissioner Craig. Commissioner Beach** move to hear the Conditional Use Permit before discussion of the Junk Vehicles Ordinance. Seconded by **Commissioner Craig.** All in favor. (AIF)

APPROVAL OF MINUTES

Approval of the March 30th, 2015 minutes. **Commissioner Beach** motion to approve. Seconded by **Commissioner Craig**. AIF

COMMUNICATIONS OR ANNOUCEMENTS

There were no comments from the citizens or commissioners.

NEW BUSINESS

Foxglove Conditional Use Permit

Beverly Coleman, 42311 Berggren Rd., Eatonville – Partner with Kelly Wienholz in the Foxglove Farmstead Event Center. The initial Conditional Use Permit was granted in 2012. She explained that things just took longer than what they had anticipated. They have come to ask the Planning Commission to grant the CUP again. To their knowledge there have been no significant changes. The application is very similar as before with a few updates that were made to the application based on new information received along the way. They have gone through the process of geotechnical review and study, developed architectural plans, worked with the civil engineer and gone through a lot of effort to get through to where we are now. They have been working closely with the town, Doug Beagle and Kerri Murphy over the last three years explaining that they would ask the planning commission to approve this conditional use permit again.

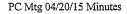
Commissioner Beach asked if there were any changes in the SEPA review.

Mrs. Coleman explained that there were no real changes. They have seen song birds and deer, but nothing significant, mainly changing the dates to reflect current status.

Doug Beagle-Town Administrator – gave a brief summary reviewing the Finding and Recommendations of the Conditional Use Permit application. Foxglove has met all of the conditions requested in the Conditional Use Permit. Nothing has been changed since the original application. It is necessary for the town to clean house and get the correct date on their Conditional Use Permit since they have not gone to construction yet.

Commissioner Beach move to grant the Conditional Use Permit to Foxglove Farmstead Event Center.

Commissioner Craig seconded the motion. AIF.



OLD BUSINESS

Review Junk Vehicles Ordinance

Page 1 of 4 Section 1: 8.09.010 PURPOSE - added "public or"

Page 3 of 4 (5) Section 2: 8.09.020 JUNK VEHICLE added "Is stored or parked in non-compliance with the zoning district yard requirements." According to the zoning code for a certain address.

These are the two points that Mr. Clark wanted the commissioners to know what he thought he heard clearly from the commission at the last meeting. If there are any comments or questions on the new changes from commissioners, now would be the time to ask adding that earlier in the day Commissioner Beach had submitted an email to us with some proposed changes.

Commissioner Beach explained that he took the 4/2/15 clean copy of the Junk Vehicle Ordinance. He proposed the following:

Proposed changes to Clean Copy 4/20/15:

[8.09.020 Definitions]

- A. "Hazardous Vehicle" shall mean a vehicle that meets one of the following criteria;
 - 1. Is leaking fluids;
 - 2. Is providing harborage for animals and/or insects; or
 - 3. The radiator, engine (any part thereof), transmission or differential is in contact with the ground (e.g., soil, gravel, pavement, vegetation).
- A. B. "Junk Vehicle" . . . requirements-criteria;
 - d. Is leaking vehicle fluids Parts are being sold from the vehicle;
 - e. Is providing harborage for animals and/or insects;
 - e. Is painted . . .
 - 4. Has an approximate fair market value equal only to the approximate value of the scrap in it Is being used for storage;
- 5. Is stored or parked in non-compliance with the zoning district yard requirements. [what are the requirements?] [Front yard requirements? Can we require that vehicles in the front yard be parked on a paved or gravel surface, i.e. no parking on bare ground or vegetation?]

[re-letter B. C. & D.]

8.09.030 Exemptions.

8.09.040 Nuisance declared, violations.

[Abatement of trash?]

Commissioner Beach move to add "two or more flat tires" as part of the definition of a "Junk Vehicle".

Commissioner Craig seconded the motion. AIF

Commissioner Beach move to continue having "leaking fluids" and "Is providing harborage for animals and/or insects; remain where they presently are in the code and adding #3 The radiator, engine (any part thereof), transmission or differential is in contact with the ground (e.g., soil, gravel, pavement, vegetation).

Commissioner Craig seconded the motion. AIF

Commissioner Beach moved that he wanted to include "Parts are being sold from the vehicle" under the definition of a Junk Vehicle. Died for lack of a second.

Commissioner Beach move that the word "storage" be in one of the requirements for junk vehicle. Added to #6. Died for lack of a second.

PC Mtg 04/20/15 Minutes

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Mr. Beagle wanted to talk about the timing and the next steps. There is a little bit of work to be done with the consultant to make sure we get this part of that, so we will have one more meeting with these changes in there and then from that we will be looking to commissioners to make a recommendation to send this to council.

Commissioner Beach asked about the rest of the ordinance that planning commission has not discussed. The exemptions, nuisance declared, violations and all of the enforcement mechanisms, we need to look at getting a simpler enforcement than what we have now. The next meeting is not the next time that we are going to get done with this, maybe the second meeting.

Mr. Beagle said he just wanted to get one thing passed and moved forward to council so that the town can start doing things as far as enforcing. When the Mayor and I first talked to you we talked about nuisance awareness month and we are already 4 months into the year. We will bring up the enforcement issue at the next meeting and have a discussion of where that it at.

Commissioner Craig move to recommend the Junk Vehicles ordinance with the changes on to the council. Commissioner Beach said that he could not support moving something on to the council that staff has prepared but that he has not seen.

Commissioner Bertoia seconded the motion. Commissioners Craig and Bertoia voted for it. Commissioner Beach voted against. Motion passed.

Commissioner Beach asked Mr. Beagle what the response has been to the several letters sent out about junk vehicles. Mr. Beagle said that they have had some that complied, some that have done nothing, some that have received multiple letters and done nothing, some that have gone to the banks because they are now the legal owner and nothing has been done and we have had a few that have been dealt with from the bank.

Commissioner Beach asked if there was anything about the existing ordinance that seems to bare very strongly on the success or lack of success?

Mr. Beagle said it is the individual. Our letters are pretty much the same with referencing the codes and the violations. We are like any other small agency where we have the inability to go out and clean somebody's yard, put a lien on the property for the project and hope to get paid someday. We continue to write letters, like 500 Center St W., they clean somethings up and then two months later they are right back out there storing things. The truck has a licensed farm truck tag, whether you like the truck with the junk in the back it complies with the law.

Commissioner Beach said the other problem with 500 Center St W., is that it is a junk yard. He asked if there is anything in the ordinance that deals with junk yards on residential property.

Mr. Beagle did not know at that moment.

There were no comments from the public, staff or commissioners.

Next meeting: May 4th, 2015.

ADJOURNMENT

Chairperson Justice adjourned the meeting at 8:00 p.m.

Co-Chair Judy Justice

David Craig – Secretary

ATTEST:

Kerri Murphy-Recording Secretary

PC	Mtg	04/20/	15	Мп	nutes



o'clock (7:00) A.M. on weekdays or at any time on Sundays or holidays whereby the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone except for emergency work or public service utilities for which a permit has been issued.

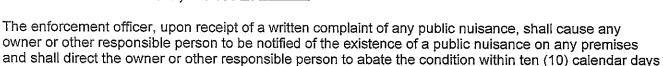
C. Permits: The city clerk or his designated representative, in consultation with the public works director, city administrator, and/or police chief, may issue permits for the production of noise which exceeds the limitations designated herein or is produced at times prohibited herein, upon written application and for reasonable costs. (Ord. 958, 7-9-2014)

5-1-5: PROHIBITED CONDUCT:



It shall be unlawful for any responsible person or owner to create, permit, maintain, suffer, carry on or allow, upon any premises, any of the acts or things declared by this chapter to be a public nuisance. (1973 Code § 8.16.040)

5-1-6: ENFORCEMENT; NOTICE:



after notice or other reasonable period, whether shorter or longer in time than ten (10) days, as determined by the enforcement officer. The notice shall be substantially in the following form:

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

(Name and address of person notified)

As owner, agent, lessee or other person occupying or having charge or control of the building, lot or premises at you are hereby notified that the undersigned pursuant to Ordinance No. of the City of Orting has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of subsection of Ordinance No.:

You are hereby notified to abate said condition to the satisfaction of the undersigned within ten days of the date of this notice. If you do not abate such condition within ten days the city will abate the condition at your expense.

Abatement is to be accomplished in the following manner:

Dated: (Name of enforcement officer)
By

(1973 Code § 8.16.050; amd. 1996 Code)

5-1-7: ABATEMENT OF NUISANCES:



- A. Abatement By City: In all cases where the enforcement officer has determined to proceed with abatement, ten (10) days after giving notice the city shall acquire jurisdiction to abate the condition at the person's expense as herein provided. Upon the abatement of the condition or any portion thereof by the city, all the expenses thereof shall constitute a civil debt owing to the city jointly and severally by such of the persons who have been given notice as herein provided. The debt shall be collectible in the same manner as any other civil debt owing to the city. (1973 Code § 8.16.060)
- B. Abatement By Owner Or Other Responsible Person: If and when an owner or other responsible person shall undertake to abate any condition described in this chapter, whether by order of the enforcement officer or otherwise, all needful and legal conditions pertinent to the abatement may be imposed by the enforcement officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in this chapter shall relieve any owner or other responsible person of the obligation of obtaining any required permit to do any work incidental to the abatement. (1973 Code § 8.16.070)
- C. Immediate Danger; Summary Abatement: Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof, the enforcement officer shall have the authority to summarily and without notice abate the same. The expenses of such abatement shall become a civil debt against the owner or other responsible party and be collected as provided in subsection A of this section. (1973 Code § 8.16.080)

5-1-8: VIOLATION; PENALTY:

- A. Violation; Misdemeanor: Except as provided below for violations of section 5-1-4 of this chapter, every act or omission by a person responsible for compliance with any of the provisions of this chapter, any provision of a rule or regulation adopted pursuant thereto, a civil regulatory order issued pursuant to this chapter, or any provision or condition of an approval issued or granted pursuant to this chapter, shall constitute a misdemeanor.
- B. Violation; Civil Violation; Civil Infraction: Any act or omission by a person responsible for compliance with any of the provisions of this chapter, any provision of a rule or regulation adopted pursuant thereto, a civil regulatory order issued pursuant to this chapter, or any provision or condition of an approval issued or granted pursuant to this chapter, shall constitute a violation and shall be subject to enforcement as a civil infraction or civil violation pursuant to title 1, chapters 13, "Code Enforcement", and 4, "General Penalty", of this code.
- C. Every Act A Separate Violation: Every act or omission which constitutes an offense or violation under this chapter shall constitute a separate violation or offense for each and every day during any portion of which the act or omission constituting the offense or violation is committed, continued or permitted.

- D. Civil Infraction: Violations of section $\underline{5-1-4}$ of this chapter regarding offensive noises shall be subject to the following monetary penalties:
 - 1. First offense within a one year period: Class 3 civil infraction.
 - 2. Second offense within a one year period: Class 2 civil infraction.
 - 3. Third offense within a one year period: Class 1 civil infraction.
 - 4. Fourth offense within a one year period: Misdemeanor. (Ord. 912, 9-14-2011)

5-1-9: REMEDIES NOT EXCLUSIVE:

The remedies prescribed in this chapter are in addition to all other remedies provided or authorized by law. (1973 Code § 8.16.100)

Footnotes - Click any footnote link to go back to its reference. Footnote 1: See <u>title 7. chapter 2</u> of this code.

(Bome) Black Diamond

- R. All trees, hedges, billboards, fences or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;
- S. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes any obstruction of traffic or the free use of the street or sidewalk; provided that this subsection shall not apply to events, programs or parades authorized by the city;
- T. All vacant, unused or unoccupied buildings and structures within the city which are allowed to become or remain open to entrance by unauthorized persons or the general public, because of broken, missing or open doors, windows, or other openings, so that the same may be used by vagrants or other persons in a manner detrimental to the health and welfare of the inhabitants of the city;
- U. Any pen, stable or lot in which any hog, cattle or fowl may be confined or kept in such manner as to be foul or offensive;
- V. Deposit, keep, leave or permit to be deposited, kept or left on private property any junk vehicle, or part thereof, as defined in RCW 46.55.010(4). Provided, however, this subsection shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;
- W. Obstruct or encroach upon or render unsafe for passage any public highway, private way, street, alley, park, square, driveway, lake or stream in the city;
- X. Any nuisance as defined and prohibited in any other provision of this code.

(Ord. 642, § 1, 1998; Ord. 589 § 1, 1996)

8.16.015 Abatement hearing.

- A. With regards to a junk vehicle or a part thereof the owner may request a hearing within the time limits specified in <u>Section 8.16.020</u>. If a request is timely received, then a notice giving the time, location and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.
- B. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing and deny responsibility for presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the costs of administration or removal of the vehicle cannot be assessed against the property upon which the vehicle is located or otherwise collected from the property owner.
- C. After notice has been given of the intent to declare the vehicle or part thereof a nuisance and to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of the Black Diamond chief of police, with

city of such abatement. Such cost shall constitute a lien against the property which may be foreclosed as provided for in RCW Chapter 60.04. Alternatively, the city may elect to obtain a judgment against the property owner in the amount of such cost. In addition, with regards to junk vehicles, the city may elect to obtain a judgment against the vehicle's registered owner. Costs for purposes of this section shall include the legal and administrative costs to the city, in addition to the actual cost of abating the nuisance.

(Ord. 642 § 4, 1998: Ord. 555 § 3, 1995: Ord. 429 § 4, 1990)

8.16.050 Violation—Penalty.

The failure or refusal to comply with any of the provisions of <u>Section 8.16.010</u> shall be misdemeanor and penalized as set forth in <u>Section 1.12.010</u>.

(Ord. 429 § 5, 1990)

thereof, on private property unless:

- A. The vehicles or parts thereof is/are completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
- B. The vehicles or parts thereof is/are stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer, which property is screened pursuant to RCW 46.80.130 and LDR 106.30.100G.4 and/or the additional screening requirements of table 106.30.050, as applicable.

(Code 1988, § 8.74.010; Ord. No. 722, § 2, 2006)

8.74.020. - Abatement action.



- A. The code enforcement officer shall inspect and may authorize the disposal of a junk vehicle.
- B. Upon determination that a vehicle is a junk vehicle on private property, the code enforcement officer shall issue an abatement order to the property owner as shown on the last equalized assessment roll.
- C. The code enforcement officer shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the parts.
- D. Such abatement order shall identify the property by street address and by legal parcel number description, and shall describe the vehicle or parts thereof which violate this chapter.
- E. The code enforcement officer shall provide information on the vehicle's registered and legal owner to the landowner.
- F. Upon receiving information on the vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owner shown on the records of the department. The notification shall describe the redemption procedure, the right to arrange for the removal of the vehicle, that a hearing may be requested, and that if no hearing is requested, the vehicle will be removed.
- G. If the vehicle remains unclaimed more than 15 days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document. The abatement order shall be mailed to the property owner shown by the records of the county assessor and the last registered owner of record of the vehicle, if it can be determined, by certified mail with a return receipt requested.
- H. If no information on the vehicle's registered and legal owner is found in the Scroll to Top records of the department, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.



- For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a city official having jurisdiction over public property.
- J. A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.
- K. Upon failure of the property owner or last registered owner of the vehicle of record to remove said vehicle within the 30 days, the code enforcement officer may issue a civil infraction citation as specified in TMC_8.74.070B clearly citing this section as authority to impound, and shall proceed with disposal action of the vehicle or part thereof, also after clearly citing this section as authority to impound and after notice to the state patrol and the department of licensing that the vehicle meets requirements of this title as a junk vehicle and the vehicle shall only be disposed of as scrap.

(Code 1988, § 8.74.020; Ord. No. 722, § 2, 2006)

8.74.030. - Disposal costs.



Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored. Provided city funds are available, the city can reimburse tow truck or wrecker operators as neighborhood revitalization.

(Code 1988, § 8.74.030; Ord. No. 722, § 2, 2006)

8.74.040. - Vehicle hauler.



A registered disposer under contract to the city for the impounding of vehicles shall comply with administrative regulations adopted by the city on the handling and disposing of vehicles.

(Code 1988, § 8.74.010; Ord. No. 722, § 2, 2006)

8.74.050. - Appeal hearing.



A. The property owner or registered owner of the vehicle shall be granted a hearing by the court, if so requested, on the question of the abatement and removal of the vehicle or part thereof as a public nuisance. Upon receipt of a written request for

to enforcement and penalty provisions of LDR <u>100.30.130</u>, enforcement. (Code 1988, § 8.74.070; Ord. No. 722, § 2, 2006)

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Montesano (MMC)

around, or in front of any hydrant, stand pipe, sprinkler system connection, or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto, or obstruct or interfere with the proper diffusion from the light from any street lamp, or obstruct the vision of vehicle or pedestrian traffic;

- (22) Any poisonous or harmful substance which is reasonably accessible to persons or to animals;
- (23) The existence of any fence or other structure or thing on private property abutting or fronting upon any public street, alley, sidewalk, or place which is in a sagging, leaning, fallen, decayed, or other dilapidated or unsafe condition;
- (24) Poultry which creates a nuisance;
- (25) To dispose of animals within the city;
- (26) All trees, hedges, billboards, fences, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;
- (27) All explosives, inflammable liquids, and other dangerous substances stored in any manner or in any amount other than that provided by ordinance or applicable state law, rule, or regulation;
- (28) For any person to obstruct or encroach upon public highways, streets, private ways, alleys, and ways open to the public, including cemeteries, or to unlawfully obstruct or impede the flow of municipal transit vehicles, as defined in RCW 46.04.355, as now existing or hereafter amended or succeeded, or passenger traffic, or to otherwise interfere with the provision or use of public transportation services, or obstruct or impede a municipal transit driver, operator, employee, or supervisor in the performance of that individual's duties:
- (29) For any person to erect, continue, or use any building or other structure or place for the exercise of any trade, activity, employment, or manufacture, which, by occasioning obnoxious, hazardous, or toxic exhausts or emissions, offensive smells, or otherwise, is unreasonably offensive or dangerous to the health of individuals or the public;
- (30) For any person to cause or allow the obstruction or impeding, without legal authority, the passage or flow of any stream, canal, or body of water;
- (31) Any place wherein intoxicating liquors or controlled substances are kept for unlawful use, sale, or distribution. (Ord. 1433 §3, 2000).

6.08.030 Prohibited conduct.

It is unlawful for any responsible person or owner to create, permit, maintain, suffer, carry on, or allow upon any premises any of the acts or things declared by this chapter to be a public nuisance. (Ord. 1433 §4, 2000).

6.08.040 Enforcement--Notice.

(a) The enforcement officer, upon receiving a written complaint from any neighbor, person, citizen, or other source, or becoming aware that a nuisance may exist, shall investigate the complaint or information with all reasonable dispatch.

- (b) The enforcement officer, upon finding any condition in violation of this chapter, shall cause any owner or other responsible person to be notified in writing of the existence of the public nuisance, including posting of a notice on the premises where the nuisance exists, directing the owner or person in charge of the property to abate the condition within ten calendar days after notice or other reasonable period. If not personally served, the written notice shall be mailed to the last known address of the owner or other responsible person, with copies being transmitted by first class post and certified mail.
 - (1) At the time of posting, if in the determination by the enforcement officer such property appears abandoned, a copy of such notice shall be forwarded by certified mail to the legal owner or designated guardian, postage paid, and if known or disclosed from official public records of the tax assessor's office, to the holder of any other legal interest in the building or land created by contract, deed of trust, mortgage, or deed.
 - (2) The notice shall be substantially in the following form and may contain such other information as may be deemed appropriate by the issuing official:

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

(Name and address of person notified)

As owner, agent, lessees, or other person occupying or having charge or control of the building, lot, or premises located at, you are hereby notified that the undersigned, pursuant to Ordinance Number/Code Section of the City of Montesano has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of subsection of Ordinance Number/Code Section
You are hereby notified to abate or correct said condition to the satisfaction of the undersigned within ten (10) days of the date of this notice. If you do not abate, correct or appeal such condition within ten (10) days, the City may, without further notice to you, abate the condition at your expense.
Dated:
By (Name of Enforcement Officer) (Ord. 1433 §5, 2000).

6.08.050 Appeal.

- (a) Within the time allowed after posting and mailing of such notice, as provided in Section <u>6.08.040</u>, the person responsible shall remove the nuisance or within the same ten-day time period show that no nuisance exits unless an appeal/protest is taken as provided in this section.
 - (1) An owner or person responsible protesting that no nuisance exists shall file with the director of community development a written statement which shall specify the basis for so protesting within the ten-day period allowed for removal pursuant to Section <u>6.08.040</u>. The statement shall set out with reasonable specificity the factual matters which are the basis of the protest.
 - (2) The statement shall be referred to the mayor for administrative review. In undertaking such a review, the mayor may consider such materials as are within the file, including those submitted by the party protesting the decision. The mayor may also undertake a personal view of the site or condition at issue. If determined necessary and appropriate by the mayor, an informal conference may be held at which the protestor and all other interested parties and persons may present such factual and legal information as is determined relevant by the mayor. Following such administrative review, the mayor

shall thereupon determine whether or not a nuisance in fact exists, and the determination shall be entered in the official records of the city. An administrative review shall be required only in those instances where a written statement has been filed as provided within this section.

- (3) If the administrative review determines that a nuisance does in fact exist, the person responsible shall, within the time specified after the administrative determination, abate the nuisance.
- (b) If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance, and for the costs incurred by the city in abating the nuisance.
- (c) If, within the time allowed, the nuisance has not been abated by the person or persons responsible, the city may cause the nuisance to be abated. (Ord. 1433 §6, 2000).

6.08.060 Abatement by the city.

In all cases where the mayor has determined to proceed with abatement, the city shall acquire jurisdiction to abate the condition at the person's expense as herein provided. Upon the abatement of the condition or any portion thereof by the city, all the expenses thereof shall constitute a civil debt owing to the city jointly and severally by such persons who have been given notice as herein provided. The debt shall be collectible in the same manner as any other civil debt owing to the city. To the extent allowed by law, whether statute, ordinance, rule, or regulation, including, but not limited to, the provisions of the building code, fire code, or uniform code relating to the abatement of abandoned or dangerous buildings, it shall become a lien against the property and may be collected in such manner as may be allowed by law. (Ord. 1433 §7, 2000).

6.08.070 Abatement by owner or other responsible person.

If and when an owner or other responsible person shall undertake to abate any condition described in this chapter, whether by order of the enforcement officer or otherwise, all necessary and legal conditions pertinent to the abatement may be imposed by the enforcement officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in this chapter shall relieve any owner or other responsible person of the obligation of obtaining any required permit to do any work incidental to the abatement. (Ord. 1433 §8, 2000).

6.08.080 Immediate danger--Summary abatement.

Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof, the enforcement officer shall have the authority to summarily and without notice abate the same to the extent and subject to the provisions of applicable law, including by way of representation, RCW 35A.12.100, as now existing, amended, or succeeded. The expenses of such abatement shall become a civil debt against the owner or other responsible party and be collected as provided in Section 6.08.060. (Ord. 1433 §9, 2000).

6.08.090 Violations.

- (a) Any person violating any of the provisions of this chapter shall be subject to the following penalty or punishments:
 - (1) In the event of a first violation within any six-month period, be issued a notice of infraction and, upon a finding of committed, be subject to a penalty of up to two hundred fifty dollars;

- (2) In the event of a second violation within any six-month period, be issued a notice of infraction and, upon a finding of committed, be subject to a penalty of up to five hundred dollars, one hundred fifty dollars of which may be neither suspended nor deferred;
- (3) In the event of a third and subsequent violation within any six-month period, be subject to issuance of a criminal citation, and upon conviction, be guilty of a misdemeanor and subject to punishment by a fine not to exceed one thousand dollars, two hundred fifty dollars of which shall be neither suspended nor deferred, by imprisonment in jail not to exceed ninety days, or by both such fine and imprisonment.
- (b) In addition to any other penalty, fine, or imprisonment which may be imposed, the court may direct the correction or elimination of the nuisance and in the event the party fails to timely correct, order such correction to be carried out and require the party to pay the costs related to such correction or elimination. In the event that summary abatement has been carried out pursuant to the authority in Section 6.08.080, the costs incurred by the city in so acting may be imposed. (Ord. 1433 §10, 2000).

6.08.100 Remedies nonexclusive.

The remedies prescribed in this chapter are in addition to all other remedies provided or authorized by law, whether ordinance, statute, or regulation. (Ord. 1433 §11, 2000).

The Montesano Municipal Code is current through Ordinance 1581, passed November 25, 2014.

Disclaimer: The City Clerk's Office has the official version of the Montesano Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: http://www.montesano.us/ (http://www.montesano.us/) City Telephone: Code Publishing Company (http://www.codepublishing.com/)

Eatonville (Emc)

A vehicle illegally parked in the required front or side yard.

B. "Enforcement officer" means the mayor, his or her designee, representative or a town of Eaton-ville law enforcement official.

C. "Vehicle" shall include, but not be limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on the public right-of-way, and shall also include parts of vehicles, but shall not include devices moved by human or animal power, or used exclusively upon stationary rails or tracks. (Ord. 2010-11 § 2, 2010).

8.09.030 Exemptions.

The provisions of this chapter shall not apply to:

A. A vehicle or part thereof that is completely enclosed within a building in a lawful manner, or otherwise parked legally on the property so as not to be visible from adjacent or nearby public property. Temporary tarp garages and carports do not satisfy this exemption:

B. A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dismantler or licensed vehicle dealer and is fenced in accordance with the provisions of RCW 46.80.130:

C. A vehicle enclosed in an opaque auto cover specifically designed to completely shield the vehicle from view as long as the vehicle is parked in a lawful manner on private property. The cover must be in good condition and must be replaced if it is torn, weather-beaten, or acquires any other defects. Tarps and makeshift covers do not meet the requirement. This exemption will apply to only two vehicles per legal lot. Vehicles stored on vacant or undeveloped land are not exempted by this subsection;

D. An individual's personal vehicle restoration of up to two vehicles on property is appropriate because such use is reasonably associated with the primary use of property. (Ord. 2010-11 § 2, 2010).

8.09.040 Nuisance declared, violations.

A. The storage or retention of junk vehicles on private property is declared a public nuisance which is subject to the enforcement, removal and abatement procedures in this chapter and as provided in state law.

B. It shall be unlawful for any person, firm or corporation to retain, place or store junk vehicles

on private property, in conflict with or in violation of any of the provisions of this code.

C. Additional Violations. In addition to the above, it is a violation of this chapter to:

1. Remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter;

2. Fail to comply with any of the requirements of this chapter, including any requirement of the town's codes and state codes adopted by reference herein. (Ord. 2010-11 § 2, 2010).

8.09.050 Enforcement.

A. The enforcement officer shall have the authority to enforce this chapter. The enforcement officer may call upon the building, fire, planning and community development or other appropriate town departments to assist in enforcement.

B. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

C. It is the intent of this chapter to place the obligation of complying with its requirements upon the property owner, occupier of the property, owner of the junk vehicle or other person responsible for the storage or retention of junk vehicles

within the scope of this title.

D. No provision of or any term used in this chapter is intended to impose any duty upon the town or any of its officers or employees which would subject them to damages in a civil action. (Ord. 2010-11 § 2, 2010).

8.09.060 Investigation and notice of violation.

A. Investigation. The enforcement officer shall investigate the premises which he/she has probable cause to believe does not comply with the standards and requirements of this title.

B. Notice of Violation. If, after investigation, the enforcement officer determines that the standards or requirements of this title have been violated, the enforcement officer shall serve a notice of violation upon the property owner, tenant, vehicle owner, or other person responsible for the condition. The notice of violation shall contain the following information:

1. Name and address of the person(s) to whom the notice of violation is issued:

2. The location of the subject property by address or other description sufficient for identification of the subject property;

3. A description of the vehicle and its location;

- 4. A separate statement of each standard, code provision or requirement violated, and the reasons for which the town deems the junk vehicle(s) to be a public nuisance in violation of this chapter;
- 5. What corrective action, if any, is necessary to comply with the standards, code provisions or requirements;
- 6. A reasonable time for compliance which shall not be less than 60 days;
- 7. A statement that if the person(s) to whom the notice of violation is issued fails to complete the corrective action by the date required, the town or its designee shall remove, impound and dispose of the vehicle, and will assess all costs of administration and removal against the owner of the property upon which the vehicle is located or otherwise attempt to collect such costs against the owner of the vehicle;
- 8. A statement that the owner of the land on which the vehicle is located may appear in person at the hearing and present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the junk vehicle on the land, with his/her reasons for denial.
- C. Service. The notice shall be served on the owner, tenant, vehicle owner or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the enforcement officer makes an affidavit to that effect, then service of the notice upon such person(s) may be made by:
- 1. Publishing the notice once each week for two consecutive weeks in the town's official newspaper; and
- 2. Mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address as shown on the official Pierce County assessor's parcel data, or if unknown, to the address of the property involved in the proceedings.
- D. Posting. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.
- E. Amendment. A notice or order may be amended at any time in order to:
 - Correct clerical errors; or
- 2. Cite additional authority for a stated violation.

F. Withdrawal. The town may choose to withdraw a notice of violation at any time, without prejudice to the town's ability to reissue it, if a certificate of compliance has not been obtained for the specific violations. (Ord. 2010-11 § 2, 2010).

8.09.070 Time to comply.

- A. Determination of Time. When calculating a reasonable time for compliance, the enforcement officer shall consider the following criteria:
- 1. The type and degree of violation cited in the notice;
- 2. The stated intent, if any, of a responsible party to take steps to comply;
- 3. The procedural requirements for obtaining a permit to carry out corrective action;
- 4. The complexity of the corrective action, including seasonal considerations; and
- 5. Any other circumstances beyond the control of the responsible party.
- B. A copy of the notice may be recorded against the property with the Pierce County auditor. The enforcement officer may choose not to file a copy of the notice or order if the notice or order is directed only to a responsible person other than the owner of the property. (Ord. 2010-11 § 2, 2010).

8.09.080 Hearing.

- A. The property owner, tenant, vehicle owner or other person responsible for the violation may appeal the notice of violation by requesting such appeal of the notice within 15 calendar days after service of the notice. When the last day of the period so computed is a Saturday, Sunday, or federal or town holiday, the period shall run until 5:00 p.m. on the next business day. The request shall be in writing, and upon receipt of the appeal request by the enforcement officer, he/she shall forward the request to the municipal court judge.
- B. If a request for a hearing is received, a notice giving the time, location and date of the hearing shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the county assessor records and the legal owner of the vehicle, unless the vehicle condition is such that identification numbers are not available.
- C. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement for consideration, and deny responsibility for the presence of the vehicle, with the reasons for denial. If it is determined that the vehicle was placed on the property without the consent of the landowner and that the landowner

has not acquiesced in its presence, then the cost of removal shall not be assessed against the landowner.

- D. At or after the appeal hearing, the municipal court judge may:
- 1. Sustain the notice of violation and require that the vehicle be removed at the request of the enforcement officer after a date certain, and that the junk vehicle be disposed of by a licensed vehicle wrecker or tow truck operator, with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked;
 - 2. Withdraw the notice of violation:
- 3. Continue the review to a date certain for receipt of additional information;
- 4. Modify the notice of violation, which may include an extension of the compliance date, and/or determine that the owner of the property is not responsible for the costs of removal, pursuant to subsection C of this section. (Ord. 2010-11 § 2, 2010).

8.09.090 Municipal court order.

- A. Unless mutually agreed to by the appellant and the court, the order of the court shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to such person at his/her last known address as determined by the enforcement officer within 15 calendar days following the conclusion of testimony and hearings and the closing of the record.
- B. Proof of service shall be made by a written declaration by the person effecting the service, declaring the time and date of service and the manner by which service was made.
- C. The municipal court, in affirming the enforcement officer's notice of violation and abatement, may assess administrative costs or costs related to the abatement of the violator's vehicle. The court may also order the refund of hearings fees to parties deemed not responsible for the violation.
- D. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, then the municipal court's order shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the landowner. (Ord. 2010-11 § 2, 2010).

8.09.100 Removal and disposal - Costs.

A. Commencing 45 calendar days after service of the notice of violation and abatement, if no appeal has been filed, or 15 calendar days after the issuance of an order from the municipal court resulting in authority to remove, the enforcement officer shall supervise the removal and disposal of the vehicle or part thereof. The enforcement officer will provide notice to the Washington State Patrol and the Washington State Department of Licensing that the vehicle has been processed in accordance with the laws of the state of Washington.

B. The town's costs related to the removal of the junk vehicle may be collected from the registered owner of the vehicle(s) if the identity of the owner can be determined, unless the owner, in the transfer of ownership, has complied with RCW 46.12.101. Alternatively, the cost may be collected from the owner of the property on which the vehicle has been stored. (Ord. 2010-11 § 2, 2010).

8.09.110 Civil penalties.

- A. In addition to any other sanction or remedial procedure which may be available, any person, firm or corporation violating or failing to comply with any of the provisions of this chapter shall be subject to a cumulative civil penalty in the amount of \$100.00 per day for each violation from the date set for compliance until compliance with the order is achieved.
- B. The penalty imposed by this section may be collected by civil action brought in the name of the town. The enforcement officer may notify the town attorney in writing of the name of any person subject to the penalty, and the town attorney may, with the assistance of the enforcement officer, take appropriate action to collect the penalty. (Ord. 2010-11 § 2, 2010).

8.09.120 Additional relief.

The enforcement officer may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this title when civil penalties are inadequate to effect compliance. (Ord. 2010-11 § 2, 2010).



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RCWs > Title 7 > Chapter 7.80 > Section 7.80.050

<u>7.80.040</u> << 7.80.050 >> <u>7.80.060</u>

RCW 7.80.050

Notice of infraction — Issuance, service, filing.

- (1) A civil infraction proceeding is initiated by the issuance, service, and filing of a notice of civil infraction.
- (2) A notice of civil infraction may be issued by an enforcement officer when the civil infraction occurs in the officer's presence.
- (3) A court may issue a notice of civil infraction if an enforcement officer files with the court a written statement that the civil infraction was committed in the officer's presence or that the officer has reasonable cause to believe that a civil infraction was committed.
- (4) Service of a notice of civil infraction issued under subsection (2) or (3) of this section shall be as provided by court rule. Until such a rule is adopted, service shall be as provided in *JTIR 2.2(c)(1) and (3), as applicable.
- (5) A notice of infraction shall be filed with a court having jurisdiction within forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. A notice of infraction not filed within the time limits prescribed in this section may be dismissed without prejudice.

[1987 c 456 § 13.]

Notes:

*Reviser's note: The Justice Court Traffic Infraction Rules (JTIR) were replaced by the Infraction Rules for Courts of Limited Jurisdiction (IRLJ), effective September 1, 1992.



MEMORANDUM

TO: Doug Beagle, Town Administrator

FROM: Greg Jacoby, Town Attorney

DATE: May 15, 2015

RE: Nuisance Code Enforcement Procedures

This memo summarizes the basic elements of the enforcement processes set forth in the Eatonville Municipal Code (EMC) relating to the 4 types of nuisances described in the EMC: general nuisances; junk vehicles; land use-related nuisances; and public noise nuisances. This memo also recommends some next steps for the town to consider.

Chapter 8.08 EMC "Nuisance"

Chapter 8.08 was adopted in 1984, and has not been updated since. It applies to various types of nuisances, including but not limited to filthy and trash-covered property, burning of refuse, and foul and malodorous conditions. The enforcement process for general types of nuisances is described in EMC 8.08.080, which references the town's general penalty ordinance. The general penalty ordinance is codified at Chapter 1.12 EMC and it adopts the state's civil infraction process, which is set forth in Chapter 7.80 RCW. So, for nuisance violations arising under Chapter 8.08 EMC, the enforcement process steps, as described in Chapter 7.80 RCW, generally include:

- Preparation of a notice of civil infraction describing the violation and levying a monetary penalty;
 - The form and content of the notice must comply with the statutory requirements in RCW 7.80.070(2)
- Service of the notice on the property owner;
 - Per EMC, service must be made by a law enforcement officer and per RCW 7.80.050, the civil infraction must have occurred in the officer's presence (i.e., the officer must have personal knowledge);
- Filing of the notice in municipal court;
- The person receiving the notice has 15 days to respond and has the following choices:



- Not contest the notice; take the required corrective action and pay a monetary penalty to the court (the court keeps a percentage and the balance is paid to the town);
- o Contest the notice and request a hearing; or
- Not contest the notice but request a hearing to explain mitigating circumstances (i.e., why the penalty should be reduced):
- If a hearing is requested, the court will schedule the hearing within 90 days;
- The court's decision may be appealed to superior court;
- Failing to comply with the court's order may result in a finding of contempt of court; and
- The town would presumably be represented at any court hearing by the town's prosecutor, although this may require future negotiation if it is not addressed in the prosecutor's current contract.

Chapter 8.09 EMC "Junk Vehicles"

Chapter 8.09 was extensively re-written in 2010. Proposed amendments to Chapter 8.09 have been drafted but not yet adopted by the town council. It applies only to junk vehicles, a term that is defined in the code. Chapter 8.09 has an enforcement process that is similar to but different from the enforcement process described in Chapter 8.08. The junk vehicle enforcement process steps are:

- Enforcement officer identifies a violation
- Enforcement officer serves a notice of violation on the property and/or vehicle owner;
 - The contents of the notice must comply with EMC 8.09.060;
 - o Owner(s) has not less than 60 days to comply;
 - NOV must be served personally or by mail; NOV must also be posted on the property;
- Owner(s) has the following choices:
 - Not contest the NOV: remove the junk vehicle and pay a monetary penalty;
 - Contest the NOV by filing an appeal within 15 days of receiving the NOV;
- Upon receipt of appeal, enforcement officer forwards the appeal to municipal court;
- Court schedules a hearing
- After the hearing, the court may: sustain NOV; withdraw the NOV; or modify the NOV.
- If court sustains NOV and vehicle not removed within 15 days after the court's order issued, enforcement officer may supervise the removal of the vehicle;



- Town's costs may be collected from the registered owner of the vehicle or the owner of the property where the vehicle was stored; and
- Town also authorized to levy civil penalty of \$100 per day from the date set for compliance; collection may be by civil lawsuit.

Chapter 8.10 EMC "Land Use Nuisances"

Chapter 8.10 was adopted in 2005 and is specific to buildings, including those that are dilapidated, in disrepair, or structurally defective. But it also addresses overgrown vegetation and litter and debris that are often found in conjunction with rundown real property. In this respect, there is some overlap between Chapters 8.08 and 8.10. Nevertheless, the enforcement and abatement process for land use nuisances is separate and distinct from the enforcement of general nuisances and junk vehicles. The key process steps are:

- The chief enforcement officer is the director of public works or such person as the mayor designates;
- If the director investigates and determines a building is in violation of the code, he prepares a complaint;
- The complaint must comply with EMC 8.10.310 and must provide the property owner with an opportunity to correct the violations prior to a scheduled hearing date:
- The complaint must be served on the property owner in compliance with EMC 8.10.320, posted on the property, and filed with the County auditor:
- If the parties do not enter into a voluntary correction agreement, then within 30 days, a hearing is scheduled before the planning commission;
- The planning commission determines whether to affirm the determination of unfitness; whether to authorize the town to abate the condition; and whether to require the owner to pay the town's costs and fees;
- If the planning commission finds the property is unfit, it issues an order requiring the property owner to repair or remove the unfit building;
- The planning commission's order may be appealed to the town council; the notice of appeal must be filed within 30 days;
- If the commission's order is not appealed and the building is not repaired or demolished, or the overgrown vegetation is not cut, the town may take action to abate the nuisance condition;
- If the commission's order is appealed, the town council holds a hearing on the record not de novo; the council's decision may be appealed to the superior court; and



• The costs of any repairs or demolition incurred by the town shall be a lien on the property.

Chapter 8.11 EMC "Public Noise Nuisances"

Chapter 8.11 was adopted in 2005 in response to documented noise problems. See EMC 8.11.010. It addresses noise associated with motor vehicles as well as noises that emanate from private property and commercial properties.

- The police department is charged with enforcement authority;
- Non-motor vehicle-related noise enforcement shall be complaint driven only;
 - o Complaints of 3 or more persons required;
- Motor vehicle-related noise violation is a misdemeanor;
- Non-motor vehicle-related noise violation is a civil infraction; and
- There is no reference to the general penalty provisions in Chapter 1.12 EMC and no other appeal process is described in Chapter 8.11.

Recommendations

As described above, the town has 4 code sections that discuss different types of nuisances and 4 different enforcement processes. The town should consider whether it is sensible to establish a uniform enforcement process for general nuisance, junk vehicles, and public noise, such as the civil infraction system set forth in Chapter 7.80 RCW. The enforcement and abatement procedures for unfit and dangerous buildings are more complex and deserve their own set of procedures. But this is also an area with many legal pitfalls and potential liability for cities and towns. I recommend that the enforcement and abatement procedures for unfit and dangerous buildings be reviewed to ensure they comply with best practice. MRSC has some good materials on this topic.

Chapter 19.04

DESIGN STANDARDS FOR DETACHED SINGLE-FAMILY USES AND DUPLEXES

Sections:

19.04.010 Purpose and applicability.

19.04.020 Detached single-family uses.

19.04.030 Duplexes.

19.04.010 Purpose and applicability.

A. Purpose.

- 1. To ensure that developments are compact, pedestrian friendly, and contribute to the character of the town and surrounding neighborhood.
- 2. To create variety and interest in residential streets.
- 3. To integrate open space and natural features into developments.
- 4. To minimize impacts to the natural environment.
- B. Applicability. The standards in this chapter shall apply to detached single-family uses, accessory dwelling units, and duplexes in any zone they are built within. (Ord. 2010-09 § 1, 2010).

19.04.020 Detached single-family uses.

A. Garage Placement and Design.

1. Where lots front on a public street and where vehicular access is from the street, garages or carports shall be set back at least five feet behind the front wall of the house or front edge of an unenclosed porch. On corner lots, this standard shall only apply to the designated front yard. Lots within a designated low impact subdivision (see EMC 19.06.030) are exempt from this standard.

Exceptions:

- a. Garages may project up to six feet closer to the street than the front wall of the house or front edge of an unenclosed porch provided it is set back at least 20 feet from the street and incorporates at least two of the design/detail features below. Garages placed flush with the front wall of the house shall incorporate at least one of the design/detail features below:
- i. A decorative *trellis* over the entire garage.
- ii. A balcony that extends out over the garage and includes columns.
- iii. Two separate doors for two car garages instead of one large door.
- iv. Decorative windows on the garage door.

- v. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail.
- vi. A garage door color (other than white) that matches or complements the color of the house.
- vii. Other design techniques that effectively deemphasize the garage, as determined by the planning director.
- b. Garages may be placed closer to the street than the front wall of the house or front edge of an unenclosed porch provided it faces towards the side yard and features a window facing the street so that it appears to be habitable.
- 2. The garage face shall occupy no more than 50 percent of the ground-level facade facing the street.
- 3. Where lots abut an alley, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography.

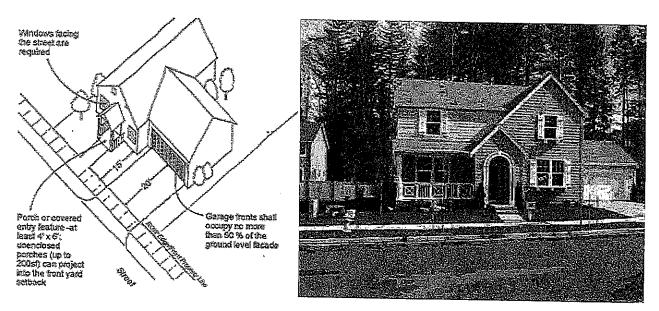


Figure 1. Garage placement/frontage standards and design example.

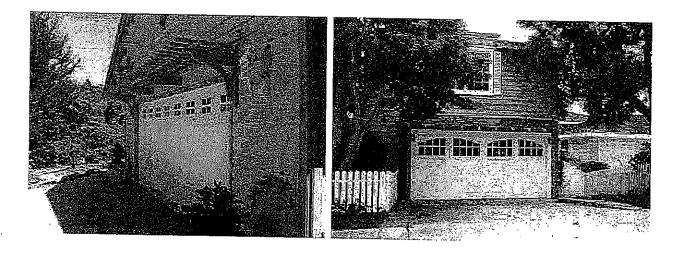


Figure 2. Examples of garage design/detail examples.

- B. Vehicular Access and Driveway Standards. All lots with alleys shall take vehicular access from the alley. Standards for all other lots without alleys:
- 1. No more than one driveway per dwelling unit.
- 2. Driveways for individual lots 50 feet or wider may be up to 20 feet in width.
- 3. Driveways for individual lots less than 50 feet wide may be up to 12 feet in width. Tandem parking configurations may be used to accommodate two-car garages.

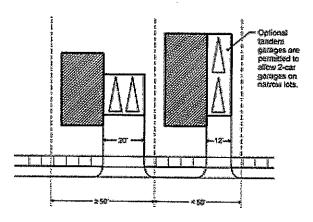
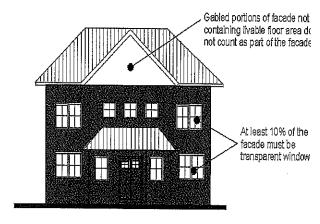


Figure 3. Driveway standards.

C. Building Design.

- 1. Covered Entry. All houses shall provide a covered entry with a minimum dimension of four feet by six feet. Porches up to 200 square feet may project into the required front yard by up to six feet. See Figure 1 for an example.
 - 2. Windows and Transparency.
- a. Transparent windows and/or doors facing the street are required. To meet this requirement, at least 10 percent of the facade must be transparent. The facade is measured from the base of the house to the start of the roofline and any other vertical walls facing the street, except for gabled portions of the facade not containing livable floor area (see Figure 4 for clarification). Garages facing the street shall count as part of the facade.



Only shaded areas count as part of the facade for the purpose of calculating minimum transparency requirements

Figure 4. Facade transparency.

b. Building facades visible from a public street shall employ techniques to recess or project individual windows above the ground floor at least two inches from the facade or incorporate window trim at least four inches in width that features color that contrasts with the base building color. Exceptions will be considered where buildings employ other distinctive window or facade treatment that adds depth and visual interest to the building.

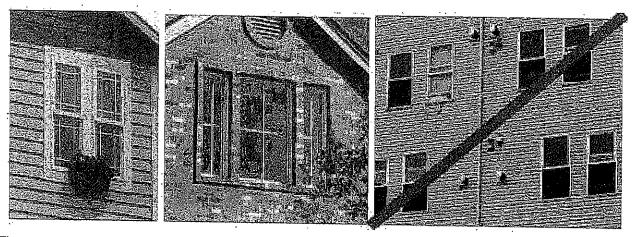


Figure 5. Acceptable (left and middle) and unacceptable (right) window design.

- 3. Architectural Details. Provide for architectural details that add visual interest to the neighborhood and are well proportioned to achieve good human scale. Specifically, incorporate at least three of the following detail elements into the facade of the house:
- a. Decorative porch design, including decorative columns or railings.
 - b. Bay windows or balconies.
- c. Decorative molding/framing details around all ground floor windows and doors.
- d. Decorative door design including transom and/or side lights or other distinctive feature.

- e. Decorative roofline elements including brackets, multiple dormers, and chimneys.
- f. Decorative building materials, including decorative masonry, shingle, brick, tile, stone, or other materials with decorative or textural qualities.
- g. Landscaped *trellises* or other decorative elements that incorporate landscaping near the building entry.
 - h. Distinctive paint schemes.
- i. Exceptions: Other decorative facade elements or details that meet the intent and standards as determined by the planning director.







Figure 6. Examples of how houses can meet architectural detail criteria. Image A includes decorative windows, building material treatment, and roofline elements. Image B includes decorative brick use, window treatments, entry design, and ventilation circles. Image C includes decorative building materials, door/entry feature, windows, and roofline elements.

- 4. Architectural Variety. Developments shall achieve architectural variety by accommodating a variety of architectural styles, variations of the same architectural style, and through the use of multiple design elements. Specifically:
- a. Duplicative house designs adjacent to each other are prohibited. Simple reverse configurations of the same house design on adjacent lots are not sufficient to meet architectural variety goals. Exceptions may be granted by the planning director in special circumstances where similar architectural consistency provides a distinct character for a cluster of homes surrounding an open space or on a particular street (cottage homes around a common open space are an example).
- b. Generally, the more houses in a subdivision, the greater the number of different facade elevations will be required. Specifically:
- i. Ten to 19 homes, a minimum of four different facade elevations shall be used.
- ii. Twenty to 39 homes, a minimum of five different facade elevations shall be used.
- iii. Forty to 69 homes, a minimum of six different facade elevations shall be used.
- iv. Seventy or more homes, a minimum of seven different facade elevations shall be used.



Figure 7. Examples of homes featuring different facade elevations. Notice the different rooflines, entry features, window designs/locations, exterior materials, and colors.

- c. In order to qualify as a different facade elevation, dwellings shall have different roofline configurations, different color palettes, and different porch/entry design. In addition, a minimum of two of the following alternatives shall be utilized:
- i. Different window openings (location and design).
 - ii. One and two story houses.
- iii. Different exterior materials and finishes.

- iv. Different garage location, configuration, and design.
- v. Exceptions: Other different design element that helps to distinguish one facade elevation from another as determined by the planning director.
 - 5. Exterior Materials.
- a. Traditional materials consistent with local and regional architectural styles are encouraged (horizontal wood siding and brick).
- b. Stucco and other troweled finishes should be trimmed in masonry or wood.
- c. Mirrored glass and exposed concrete block (except for foundation/crawl space walls where not visible from the street) are not in keeping with the historic character of Eatonville and are prohibited.
- d. T-111 siding and other plywood types of siding (board and batten is an exception) shall not be used for facades adjacent to or directly viewable from a street.
- 6. Roof Design. Provide pitched or articulated roof line, or other roof element such as eyebrow roof forms or dormers that emphasize building form and help it to fit in with neighboring structures with prominent roofs. Pitched roofs shall utilize a minimum slope of 4:12. Encourage roof-lines along the side yard that maximize solar access to adjacent homes and/or private open space.

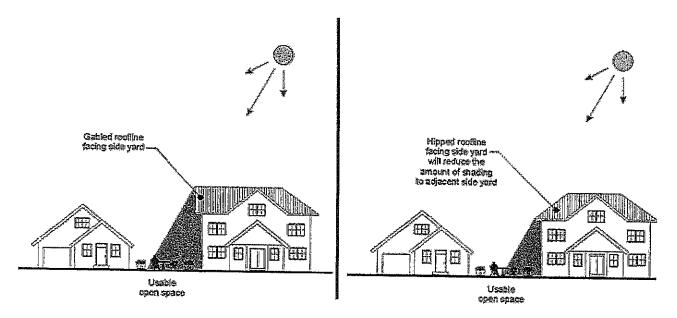


Figure 8. Encourage rooflines along the side yard that maximize solar access to adjacent homes and/or private open space.

7. Accessory Buildings. Accessory buildings (including detached garages) with more than 120 square feet of floor area shall be designed compatible with the house by using consistent materials, detailing, and roofline, as determined by the planning director. (Ord. 2010-09 § 1, 2010).

19.04.030 Duplexes.

Duplexes should be designed similar in nature to single-family homes and shall feature a visible entry and windows facing the street. The visibility of driveways and garages shall be minimized and sufficient private open space provided. Specifically, duplexes shall comply with all detached single-family design standards in EMC 19.04.020 with the following exceptions and additional provisions:

A. For sites without alleys, duplexes may include a 20-foot-wide shared driveway or two 12-foot driveways on opposite ends of the lot.

B. Separate covered entries for each unit are required with a minimum dimension of four feet by six feet. Porches up to 200 square feet may project into the required front yard by up to six feet.

C. Duplexes on corner lots shall place pedestrian entries on opposite streets.

D. At least 10 percent of the street-facing facade shall be windows or other glazing (e.g., door glazing).